

British Colonies vol. 9.

THOUGHTS
ON
IMPROVING
THE
GOVERNMENT
OF THE
BRITISH Territorial Possessions
IN THE
EAST INDIES.

Βουλευσομεσθα, και τομεν καλως εχον
"Οπως χρονιζον ευ μενει, Βουλευτεον.
"Οτω δε και δει φαρμακων παιωνιων,
"Ετι κεαντες, η τεμοντες ευφρονως,
Περασομεσθα πηματος τρεψαι νοσον.

ÆSCHYL. in Agam.

We will consult, that what is well may keep
Its goodness permanent, and what requires
Our healing hand, with mild severity
May be corrected.

POTTER's Translation.

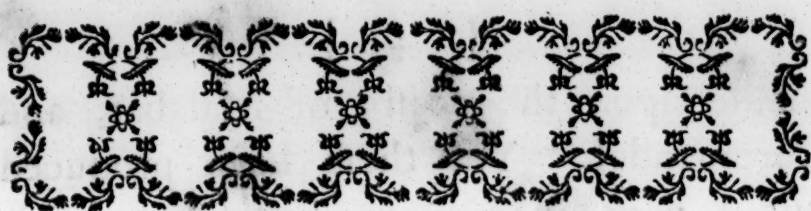
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ERRATA.

Page 55. line 25. *for* anology *read* analogy

Page 73. last line, *for trahitur* *read* trahetur



THOUGHTS, &c.

THE advantages which may arise from a proper administration and solid arrangement of the political government of our territorial possessions in the East Indies, have never yet met with that consideration from the legislature which they deserve. If no other motives can induce us to think of the very great benefits which may in every view be derived from thence, our present exigencies at least may have that beneficial effect.

Three vast provinces, full of industry and wealth, were acquired by Lord Clive's treaty in 1775, yielding 1,650,900*l.* to the East India Company, independant of a sum of 50 lacks, which were allotted to Sujah Dowla, and of Lord Clive's Jaghire. We have, besides this, the settle-

ments upon the coasts of Malabar, and Coromandel. Yet these have produced but a very inadequate benefit to this country, and are in danger of becoming less and less beneficial to us, owing to the want of due attention to the nature of such establishments, both with respect to the power which governs them at home, and the constitution of their government abroad.

The object of these few pages is to point out some of the most material defects in the administration of our affairs in the East, both at home and abroad, and to propose the method of amending them; by which the public will receive much of that advantage which now falls into the hands of individuals, and thereby becomes rather an evil than an advantage.

That all conquests or acquisitions made by subjects, either by means of arms or of negotiation, belong to the sovereignty of the state, to the effect of giving the national council a right to regulate the administration of them, and of giving the public a right to participate in the advantages

tages which may be derived from them, is a position denied by no speculative writer, and is directly affirmed by the law and constitution of Great Britain. Agreeably to this principle, the legislature has often adverted to this subject, but till of late years the extent of its importance seems not to have been understood, nor has it yet been so understood as to suggest the fundamental principles, which can alone secure to us the advantage to be derived by such acquisitions.

The two great foundations of all national wealth, are agriculture, and commerce. In Europe the commercial system has had a decided superiority over the agricultural, ever since the discovery of America, and of the passage to India by the Cape of Good Hope. A strong and immediate attraction of the national capital towards the one, can never operate but at the expence of the other, and to these two events is in a great measure to be ascribed, the advancement and improvement of commerce, while agriculture has been surprizingly neglected, as the face of every country in Europe will testify, England
itself

itself not excepted. The opening of those vast sources of commercial advantage to the kingdoms of Europe, roused in a moment every avaricious principle, which lurks in the breasts of states, or individuals. Monopolies instantly sprung up in every nation except the Portuguese, and general monopolies begot individual monopolies, by much the most destructive of the two. It may not now be the proper time to agitate the great question, whether the trade from Britain to India ought to be carried on by an exclusive company or not, but it is certainly a fit time to examine the principles on which the government of our dominions in the East ought to be carried on, with as much public advantage as a monopoly can admit of. If the monopoly of this trade shall continue to be thought necessary, yet the delegation of the powers of government needs not for that reason to be placed in the hands of the monopolists, but on the contrary it ought to be taken out of those hands, when the territories which have sprung from our trade become objects of too great magnitude, for the superintendence

dance of any power but that of the legislature.

The monopolies of the European states have been of two sorts. The one, excluding all other nations from any commerce with its foreign dominions, of which the British trade with America may be taken as an example. The other, excluding all their own subjects, except a favourite company, from any share in the trade to distant settlements, as in the case of the East India Company. Both of these monopolies are attended with very pernicious consequences to the state which adopts them. It would be foreign to the present enquiry, to examine the effects of the former, but the latter species may properly be considered as exposed to the following observations. The establishment of an exclusive company puts all the rest of the subjects at the mercy of that company, with respect to the price of every commodity which they import, and limits the extent of the quantity of labour required from this country, to supply the East, according to the pleasure, or the good or ill conduct of those who conduct the monopoly.

nopoly. It is, in the strictest sense of the word, a monopoly against our fellow-subjects. When any man purchases East India goods, it is obvious that he must pay, not only the original price of the commodity, together with an exorbitant profit to the company, but that he must also pay a share of the waste occasioned by the frauds and abuse necessarily connected with such an institution, and which every man knows have uniformly attended it. The spirit of monopoly, when left entirely uncontrouled, as in the Dutch Spice Islands, in a short space of time produced a compleat desolation and a destruction of the very articles of commerce which those islands produce, in order to perfect the system of monopoly. In the British dominions, the same principles have produced effects similar in their nature, and differing only in degree. An order that rice should be eradicated, to make way for a crop of opium, and *vice versa*, when the mercantile Governor found his interest in that cruel measure, is related in the history of our administration in Bengal; and little doubt can be entertained, but that

that we should have followed the Dutch example throughout, had not the legislature at times interposed ; which proves to a demonstration the necessity of establishing an overruling authority in India, derived from the legislature itself, and independent of the mercantile company. The English and the Dutch have made considerable conquests in the East, yet the spirit of monopoly has ever crushed the first appearances of established colonies, in those countries. It is very obvious to every attentive mind, that the flourishing condition of foreign possessions, with respect to population, manufacture, and agriculture, must augment the quantity of labour, in that state which has dominion over them ; and it follows *è converso*, that a diminution of the prosperity of those possessions, proportionably depresses the quantity of labour which might be produced in return for their commodities, in the governing state. Another proposition is equally clear, namely, that in every country, the revenue of the sovereign, or sovereign state, must be derived from that of the people. The greater the number
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of that people, the greater will be the surplus of their labour, beyond what supplies their own exigencies ; and consequently the greater will be the portion which may be safely allotted to the sovereign, or sovereign state. If this be a demonstrable or rather a self-evident truth, and if it be equally demonstrable, though perhaps not equally self-evident, that exclusive companies have a direct tendency to counteract population, commerce, and agriculture, the inference is irresistible, that if an exclusive company be unavoidable, the utmost degree of care is necessary to obviate the ill effects of it as far as possible, with respect to the SOVEREIGNTY. The directors of the East India Company have evidently the same interest in the good government of the East, which the state itself has ; but the servants of the company have no interest whatsoever in its permanent prosperity. The directors have therefore in general meant well, in all their regulations, and have been in a continual state of contention with their servants, endeavouring, as far as lay within the compass of their

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judgment,

judgment, or their powers, to restrain the ill conduct of their agents in India. But all their efforts have been weak and inadequate. No country was ever exposed to such inordinate rapine by the hands of those who had no interest in its existence, beyond the short term of their residence there. The powers of the company have scarce been able to check this rapine, though with the assistance of the legislature they have in a considerable degree accomplished that purpose. But the *origo mali* lies farther back. The Court of Directors, or in other words a committee of merchants, are in the nature of things unfitted for the purpose of governing that country in which their exclusive monopoly is exercised. The first object with a body of professional men, is their profession. Merchandize is the first object with merchants. Government will only be an accessory, a mere secondary consideration, subservient to its principal. To sell very dear, and to purchase cheap by dint of authority and power, will be the natural consequence of this impolitic union of the mercantile and sovereign characters; and

temporary profit will in a great degree take place of lasting policy, even among the Directors. The mercantile character is no way suited to the exercise of authority, nor can they maintain it in any other way than by the assistance of military force. If this reasoning be well founded, the conclusion to be drawn from it will naturally be this; that a complete remedy ought to be found, for the imperfections of the administration of our affairs in India, at home as well as abroad. The Directors of the company are nothing more than a committee of the stockholders, chosen from among themselves by ballot; and when they are thus chosen, almost the whole of the government of the British interest in India, as well as the trading concerns of the company, is committed to their charge, subject to the review of the stock-holders at large. The welfare of twelve millions of people, and the extent and duration of the national advantage to be derived from the trade and territorial revenue of India, rest on this foundation. Nothing surely can be more contrary to every principle of government
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which has been known among men, than that such a state should ultimately depend upon the votes of a large number of accidental proprietors of stock, men of all descriptions and of all nations, who purchase a share in its government to-day, and may sell it again to-morrow. It may I believe be safely asserted, that the government of a distant Empire was never before placed in a body of men so fluctuating in their nature, and related to the subject-matter of their government by no other tie, than that of getting a tolerable interest for one or two thousand pounds. That the proprietors of the trading capital should manage the trade carried on with that capital, may be right and beneficial; and the obvious inference is, that the deliberations of those persons, when assembled in their corporate capacity, ought to be confined to that subject only. The East India Company should therefore be restrained in this point, merely to what regards their investments and dividends; and these, it is to be observed, were the only subjects, which originally existed for their determinations. This is fair political

cal ground for restraining them, as it never can be maintained, that their powers are to be commensurate to every possible increase of the British Empire in those parts. This must be the foundation of all good government in India, viz. that the executive officers there, should be appointed by the crown, in the same manner as they are directed by the constitution to be, in our other foreign dominions ; and no good reason has ever been given, why a difference should be made in this essential point, between Asia and America. The argument against this has usually been drawn from an apprehension of the public danger which would arise, from an over great extension of the patronage of the crown. This answer however may be given to it, namely, that as that patronage has nearly set in the West, it may rise again in the East, without any alteration in the former equilibrium ; and this more general answer may also be given, that it is the necessary consequence of the increase of empire. If it is an evil, it is the smaller evil of the two ; and the common adage will here give

give us a right and solid conclusion, that of two evils we must chuse the least. Reason and past experience (which in politics is the surer guide of the two) both concur in settling this point; but as it may be doubted by men of democratic persuasions, some other arguments may have weight in this consideration, derived from the nature of the country itself.

The great Peninsula of India is a conquered country, parcelled out among Mahometan tyrants, and those few native Princes who remain in possession of their original territories. This creates two hereditary parties. The native princes justly abhor the Mahometans. They are of a peaceful, laborious, patient character, and a just and gentle government established there, they are sensible would be a comfort and protection to them. The Mahometan princes are humiliated and galled with the thought of being under the sway of a company of merchants, and have turned their eyes towards the crown of these realms, ever since they acquired a knowledge of the nature of the British government. The caprice of the company's

pany's government, added to all the rapine that has attended it, has made it odious to an extreme. All this paves the way to a change beneficial to the public. I say beneficial, because it would satisfy and reconcile to us the natives of Indostan. The politics of those princes, are exactly of a nature resulting from such a state of government as they have hitherto lived under; they consist of intrigue, artifice, suspicion, and all crafty methods of getting materials to guide their conduct, by means of spies, corruption, &c. and duplicity becomes of course their favourite plan. Fear and jealousy compel the natives, to return to the bowels of the earth the precious metals which were originally extracted from them; yet by a wise conduct these might be turned to a better use, as shall hereafter be shewn.

All this and much more has certainly arisen, from an undignified, unsteady, mercantile government carried on by monopolists; much of it therefore might be done away, by establishing a national government there, to which some late regulations have tended. According to the
habitual

habitual opinion of Asiatics, it is a matter of importance that they should consider themselves as connected with the Supreme Power in that state to which they are subordinate; the whole current of their ideas having flowed in that course, they will with pleasure bend themselves in subjection to officers appointed by the Sovereign who represents that state; being fully apprised of the comparative dignity of such an appointment, and that of a superior appointed under the seal of the company. It will be shewn too in the sequel, that the number of appointments to be vested in the crown is but small, and such as needs not reasonably to be alarming to those, who have a dread of increasing the power of that member of our constitution. It will suffice, and amply suffice, if a few of the principal officers are appointed by the crown; for the government of any distant country under the ultimate controul of parliament, ought not to be placed in many hands.

Taking it then as clear that the territorial possessions in India should be deemed (to all purposes of civil government) a

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part

part of the British Empire, and as such to be governed with the same view to public benefit that other conquests and acquisitions are ; we are now to consider the objects which most require a legislative correction, and the manner in which the civil government ought to be carried on. It seems to be the opinion of all men, that something extensive, permanent, and radical must now be done, in order to arrange matters in such a manner, as that all possible assistance may be derived from that country to aid us in our present difficulties, and be a fund for enabling us to bear those which may hereafter arise. The expiration of the company's charter, and the decided preponderance of the British influence in India, added to every motive which can arise from a consciousness of past neglect, absolutely require that the conductors of public business should advert most seriously to this vast object. We who live under governments long established, grounded upon wise principles, and gradually brought to a wonderful degree of perfection, are so much accustomed to contemplate those
princi-

principles in a familiar manner, that we think it trite or pedantic to repeat them : but when we find that these principles have never yet been applied to the government of the East, it is plain we require to be reminded of them. One of these principles is, that in proportion as a subordinate territory is well or ill governed, in such proportion exactly will it be productive and beneficial to the superior state. If this be a position generally true, with what force does it apply to a country, once crowded with peaceful manufacturers and husbandmen, whose peculiar characteristic was industry ? A country which was the cradle of every thing useful or ornamental that is known among men ; and which, under the thorough regulation that might be afforded to it by a British legislature, would again be restored to much of its original wealth and felicity. But the neglect of this nation has been such, that the subject has become almost too great for the attention of those, in whose hands the remedy for these evils is lodged. The utmost that can at first be done in this great national work, is to

fix right principles, and to establish the main supports of good government in India; to set wise and able men at the head of our settlements, leaving the operation of those principles to work its effects in the course of time. That period will arrive much sooner than the generality of men expect; for when a gentle, docile, and industrious people cry out for a good government, and Great Britain is disposed to give it, a few years will firmly establish it, if proper persons be employed in that great and merciful task. Palliative and temporary measures will do more harm than good. The people of that country have seen the bad effect of wavering and uncertain schemes, and have not been induced to increase the respect which we should endeavour to acquire from them, by those weak and perplexing measures.

The main objects of our attention in endeavouring to perfect the government of India are the four following:

1st. To secure our influence and the permanency of our establishments there, by placing ourselves in such a light among the princes and powers of that country,

as will make it appear beneficial to themselves to be upon good and friendly terms with us, and consequently will induce them to prefer our interests, to those of any other European nation.

2dly, To revive the internal prosperity of the country more immediately belonging to ourselves, by giving to the natives a permanent inducement to industry, in cultivating the rich and fertile soil of the provinces they inhabit, which will necessarily be followed by an increase of manufacture, and that again by an increase of revenue.

3dly, To establish such a consolidated body of civil government, as shall preclude distraction, dissention, and that fluctuation of counsels which has been so pernicious and disgraceful, and by this means to give promptitude and dignity to our proceedings there on all occasions.

4thly, To establish a mode of administering justice, among the Europeans, and such of the natives as may be engaged with Europeans in suits at law, or who may be guilty of crimes, better adapted to that country than has hitherto been done.

I. The security which the princes of India will place in the just and equitable conduct of this nation towards them in time to come, will depend entirely upon the intentions which they shall find expressed in the acts of the British Parliament. The veil is taken from before their eyes; and they who imagine that the Indian princes do not perfectly understand, that the East India Company is the mere creature of a superior authority, are very much mistaken. That matter is perfectly understood, and they are willing to believe that all mismanagement and oppression has arisen from their having only an *indirect* connection with the sovereign power of the state, and a *direct* connection with a corporation of merchants, to whom the government of that country has been delivered over; and they have also been made fully to comprehend that this company is the creature of the King and the national council. Those persons who have the most intimate knowledge of that country will all testify, that nothing could so effectually reconcile to us the hearts of those Asiatic powers with whom
we

we are connected, as a kind of parliamentary faith held out to them for their continuance in their present dominions safe and undisturbed, and the power of transmitting them to their posterity according to the Gentoo or Mahometan practice. This single circumstance would make the English nation take root in those regions, so firmly as not to be plucked up by any strength to be apprehended from Europe. The establishment of a compact British Empire there, with an assurance on the part of this nation that it should protect its neighbours, and maintain each in his just rights, would be a measure which never yet was thought of as a means of acquiring permanency to any nation in those parts, and from every account that can be collected is the great point for which the powers of India most ardently wish. Were this nation to establish such a *league*, and put itself at the head of it, (as it naturally would be) we should soon have reason to be satisfied of having fixed our Empire in the East upon a certain and durable foundation. A time of perfect tranquillity in those parts, is the proper
time

time to establish this balance of power, and to take that balance into our own hands, to be held for generations to come. An example will illustrate this. Hyder Ali is considered as a formidable enemy. Nothing is better known than that he is such from provocation and distrust; it is also well known that he is not without apprehension from the Marattos. His inclination is to be allied to the English, yet that beneficial alliance has never been carried into effect. These two points therefore are essentially necessary to our well-being in India. First, that the natives of our own territories there should feel themselves to live under the authority of the state itself, and not under an authority subordinate to that of the state. Secondly, that the powers of India with whom we have connections by relations more or less near, should feel themselves to be allied to the British nation, and not to the East India Company only. This will give them a perfect assurance of their own permanency, and will accord with all those ideas which prevail in Asiatic minds. It must, I should conceive, be a necessary consequence

consequence of such a conduct as this that the Princes of India would find their own interest in preserving and defending the system here laid down. But in order that the good correspondence between the British and Indian powers should be constantly maintained, it will be of great importance, that the superintending government of our settlements should have proper persons resident as ministers in all the courts of India. The French have constantly observed this rule, and have given us great disturbance by their attention to it. Very able men have been found among the Company's servants, and still abound, equal to this task in point of knowledge, assiduity, and address. This would teach men the art of conducting public business, and would recommend them in time to the most important offices of the government.

II. The next object of our consideration is the prosperity of the natives inhabiting the British settlements, being that upon which our immediate advantage must depend, and which will be most effectually

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secured

secured to us by the measures touched upon above. The British dominion in Bengal is 600 miles in length, and 300 in breadth ; the extent of our interests in the Carnatic, and on the coast of Malabar, has of late years been so much the subject of public discussion, that it is known to every reader with sufficient accuracy ; and every map will point it out. In Bengal the great source of the Sovereign's revenue is the rent of land ; it becomes therefore more peculiarly necessary to attend to the internal wealth of the country. In this territory however our mismanagement has occasioned a very manifest decline in agriculture, in trade with the rest of Asia (from whence specie flows) and in the manufacture of the country. These three great sources of wealth must be restored before the sovereign state can expect to reap any thing like the advantage which such dependencies might from their nature afford. This may be effectuated in a very considerable degree by one simple regulation, namely, by abolishing the destructive practice of letting the lands for short terms of years ; a practice introduced
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by the Mahometan conquerors for the purpose of periodical plunder and oppression, and adopted by the British after their example.

Neither agriculture nor manufactures, which have a reciprocal connection and effect on each other, can ever flourish where there is no permanent property; and it has become a maxim even in the Spanish government in their South American dominions, according to a late elegant historian, that in order to obtain an increase of people, a surplus of labour, and of every thing dependant upon that surplus, the land ought to be divided into moderate shares, the dominion over it made compleat, and the alienation extremely easy. It would be an astonishing thing to see desarts in the finest soil under heaven, towns and villages abandoned, and the most wretched poverty prevailing among a people naturally bent to industry, were not a bad system of internal government, and the want of a permanent interest in the land, fully sufficient to account for this melancholy phenomenon. The pernicious practice of letting the lands

for a short space of time, gives birth to a regular gradation of tyranny. The great farmers underletting their lands to smaller tenants, who in the end furnish all the food for rapine. All political writers have observed, that there is no effort of legislation more arduous, no experiment in politics more uncertain, than an attempt to revive the spirit of industry where it has declined. This must be acknowledged to be indisputably true, and the application of it to our own case should be, that every means should be attempted, to cherish what remains of that spirit which in Bengal has advanced very far in its declension. In order to obviate so fatal an evil, the system above-mentioned ought immediately to be abolished, and the lands ought either to be sold in perpetuity, descendible or deviseable according to the Gentoo or Mahometan practice, or let for very long terms: The effect of this would soon be felt, and there is demonstrable evidence of its good consequences; for in those parts of India which are not subject to a foreign power, and where this is the usage, the most flourishing people are
found

found. This is a point so clear in its own nature, that reasoning upon it cannot make it clearer. If that country is conceived by any man to be an exception to the general rule in favour of the permanency of property, the public will at least expect to be made acquainted with the grounds, on which that exception is founded. This has never yet been unfolded, nor has the Company ever entertained any ideas of correcting this practice; and unless the legislature shall think fit to interpose, the private interest of particular officers under the Company will render it perpetual. Reason, principle, and the history of every other nation concur, in leading us to conclude that a contrary practice would give new vigour to the agriculture of our territories, and would even induce the subjects of other Mahometan princes to settle within the English pale. This would draw after it its constant attendants, increase of population, of manufacture, and of commerce to the other parts of Asia, which last ought to be encouraged and promoted, by every means that a wise government can devise; for the quantity of
 manufacture

manufacture will ever be co-extensive with the market which invites the sale of it; open a free passage to more extensive markets, and every exchangeable commodity will find its way there in abundance. The investments would also be naturally and necessarily increased in quantity, and decreased in price.

The terms upon which the practice al-
luded to should be abolished, might be made a means of acquiring a great public stock. A permanent interest in the lands of Bengal, &c. would raise, on the most gentle and equitable terms, *ten millions sterling*, and continue subject to a quit-rent nearly if not fully equal to the present reserved rent. Much hidden treasure, as was observed above, would rise again from the bowels of the earth to be given in return for this permanent property, and it would become the interest of the purchasers to concur in preventing any hostile attempts from the European powers, against the British provinces. Moderate and equitable imposts, in the shape perhaps of an equal and small land tax, and of equal and small duties on merchandise, (except-
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ing always gross articles to be wrought up in manufactures) might secure a regular addition of income, exclusive of the quit-rents, which would keep pace with the growing prosperity and wealth of the country. Alterations in the state of any extensive territory, which are of the magnitude and importance of those here proposed, must however be cautiously and gradually introduced. Wherefore it should seem to be adviseable, to try the experiment upon a certain portion of the lands, and to be guided by the success of the experiment in that instance. Should it be attended with the advantages, which every principle of sound policy leads us to hope, all the benefits above stated will necessarily follow, and no loss can accrue from having made the attempt. The annual *quit-rent* would be chearfully and punctually paid; and consequently those painful expedients would not be necessary, without which the rents payable for a short and precarious interest cannot now be recovered. A few officers would suffice to collect it, a few boards to receive it, and much litigation and dispute between the council
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and court of justice would be prevented. Without such an extensive measure as this, it is demonstrable by figures that Bengal cannot support the heavy balance against her. A large and perpetual waste pipe must drain the reservoir, unless the means of influx be opened and kept free.

As these few pages are confined to general principles only, founded upon that which is universally acknowledged by every one acquainted with that country, a proof of the comparative efflux and influx of specie into, and out of Bengal, would be tedious and unnecessary, having already frequently been laid before the public. At a future time, when the principles themselves shall have been in the hands of the public, particular points may with more advantage be enlarged upon.

III. Having endeavoured to set forth in a few words the measures by which our interests in India are to be placed on a secure footing, both with respect to the sovereign powers there, and the native inhabitants of the British provinces; we come now to treat of that form of government
abroad,

abroad, which must establish and preserve this great national work.

Separate and unconnected governments are in their nature liable to every objection; a contradictory system of politics may take place in each of them, and has in fact taken place on many important occasions, and accordingly the late East India act has considered them as pernicious. A general superintending power ought ever to be established in distant subordinate territories, and by parity of reason, it may be concluded, that the executive authority of government, placed in several co-ordinate persons, will be attended with the same kinds of inconvenience. Party, faction, and fluctuation of measures, have been found to be inseparable from such a system, as the late revolution at Madras, and the political history of Bengal during the last five years, have proved beyond all doubt. Could one man be found equal in point of ability to the task of governing alone, and fit in point of integrity for such a trust, it would be the best possible method to adopt; but as many reasons must immediately occur against that mode, indepen-

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dent of the difficulty, or perhaps impossibility of finding such an individual, the nearest practicable plan must be adopted.

The precariousness of life in every part of India, renders it necessary to guard against its fatal effects. For this reason a succession must be provided in every office political and judicial, and the residence of the superintending government may be removed from Calcutta, with great advantage to the provinces, and to the conduct of public business. The consideration also of the great extent of power which must unavoidably be placed in the hands of the executive authority there, makes it absolutely necessary that a strong check should be put upon the Governor General; yet at the same time it is highly impolitic that this check should be of such a nature as may eventually overpower him. The right medium has never yet been adverted to, the consequence of which has been, that dissensions have arisen in the settlement of Madras, highly prejudicial to the interests of this country, and the most disgraceful contests and fluctuation of counsels have taken place in Bengal. It is a humiliating consideration

consideration to think that the form of the government established there should admit of such degrading animosities, and that public measures in those countries should in many instances be decided by the doctrine of three to two, and seven to six, as the chances at a gaming table. The individuals have acted on all sides, as men will ever do in similar situations, namely, according to their private interests, and as the insatiable love of gain shall direct them. The legislature at home is alone to blame, which leaves room for such a childish train of politics. The natives may justly exclaim with the frogs in the fable, “ It may be sport to you, but it is “ death to us ;”—and the British nation at large may, in a great degree, join in that exclamation.

The commissions under which the Governors appointed by the Company have acted, leave it doubtful among the best lawyers of the time, what is the precise situation and power of a Governor. Some conceive him to be a necessary party in all deliberations, as the mayor of a corporation ; others, that a majority may over-

rule him, exclude him, and even act without him, as the East India Company have determined in their late instructions to the Governor and Council of Madras, contrary to the opinion delivered very lately from the Bench, on the late trial of the information directed by the House of Commons. On the other hand, it has been contended by a late Governor of Madras, that he had a negative voice in all matters of state, under his present commission: Any one, who will give himself the trouble to investigate this question, will see that there is some ground for this variety of opinions, arising from the continuance of that inaccurate form of a commission, which was sufficiently explicit, at a time when the Governor and Council were little more than a committee of merchants superintending the Company's trade. From hence it is plain that the nature of a Governor's office must now be new modelled, and accurately defined by the instrument of his appointment. The ascertaining of a Counsellor's office will then be no difficult task; but we must go much deeper. Nothing is more clear
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in theory, than that a general superintending government is absolutely necessary in India, and in practice it has been found to answer very salutary purposes, both among ourselves, and among the Dutch. It was a favourite idea of the late Lord Clive, who knew that country well, and whose political sagacity was inferior to no man's, that the residence of the general government ought not to be at Calcutta, but that it would be placed with more advantage at MUXUDABAD. The benefits which would arise from this change of the seat of government, are very considerable: The collectors of the revenue would not then be under the necessity of coming to the extremity of the province, in order to transact their business, and of leaving their respective districts during their absence, in the hands of deputies who fail not to take an advantage of that circumstance, exceedingly injurious and oppressive to their inferiors. The cabals, intrigues and parties prevailing at Calcutta, which is crowded with people of every rank and denomination, would in a great degree be prevented, by placing the general government

ment at some distance, and every man would not then enter into politics and party, as has been too much the case at Calcutta ever since the British nation grew to its present height in that country.—Another consideration too ought to have some effect. The climate of Muxudabad is one of the wholesomest in Indostan ; a consideration which from every reason ought to weigh very much, and if no irrefragable argument can be urged against it, ought to be decisive. Much advantage might also arise from placing the great executive authority at a little distance from the familiarity, which in the nature of things must take place between the Governors and their subjects, in the great mercantile town of Calcutta ; such familiarities being naturally increased by a certain feeling of banishment, common to all men who find themselves subjected to the same perils, in a country very distant from their native land. The city of Muxudabad is but twenty-four hours journey from Calcutta ; so that on pressing occasions, the Governor might soon be present there, and his dispatches would be little retarded by

by a distance so inconsiderable. The Government General has now very little to do with the mercantile concerns of the Company, as a Board of Trade superintends the matter of investment; and this obviates the only objection to Lord Clive's idea, which was, the necessary attendance of the Governor and Council at Calcutta for that particular purpose. All these reasons, therefore, concur in favour of the Governor's residence at Muxudabad, viz. The comparative wholesomeness of the climate, the great convenience to the natives, the absence from dissipation, party, and faction, and I may add too, the coincidence with the prejudices of the country, in seeing the government established in the ancient place of its residence. The Exchequer must of necessity follow the Supreme Power, but the ministers of justice might still remain at Calcutta, together with all other Boards and Officers connected with the merchandise of the Company; and very salutary effects would proceed, in a variety of respects, even from the local separation of traffick from politics.

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The subordinate governments of Madras and Bombay are by the Act 13 Geo. III. c. 63. subjected to the Supreme Power, only *in matters respecting peace and war*. This is undoubtedly a restriction much too narrow; for it becomes a question of nice casuistry, what may, or may not be a matter of peace and war. Thus in the late confusions at Madras, it has been doubted whether the cognifance of that matter did or did not fall within the literal or constructive terms of the act of parliament, giving coercive authority to the Supreme Council: But it is obvious that a Supreme Government ought to be supreme in every point. Nothing that is done in any of our settlements can be indifferent to us, or without some possible consequences which may materially affect the general interest; and as the Supreme Government must be considered as a public deputation, intended to regulate the national interests in the whole of our Eastern dominions, their authority ought to be without specific restraint or description in exercising the legal power delegated by the nation. This consistency in govern-
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ment has ever yet been wanting, and the want of it has been regretted by every writer upon the subject of our affairs in India, as well as by every individual conversant in them; and having been remedied in a very beneficial degree by the late act of parliament, we have every reason to make that part of the government perfect, by following out the imperfect regulations of that act on this subject, which were wisely intended to be but temporary, and experimental. The powers therefore vested in the Supreme Council being circumscribed by no bounds but those which the law of the land imposes, and extending to all persons, and all places, it becomes a very important point to settle the constitution of this superintending authority.

It was observed above, that separated and unconnected governments were in their nature an impolitic institution, and that by a similar kind of reasoning, equal or nearly equal authority, vested in several persons, must also be considered as impolitic. Hitherto the authority of the Governor, in his capacity of President of the Council, has been considered by the warm-

est advocates for the extension of his power, as giving him only a casting vote, and a necessary seat in all deliberations. In a variety of instances the Governor of Bengal has been in the minority, and has been wantonly teased and humiliated by the majority : Different parties have by death or other accidents been triumphant in their turns, and government by that means shamefully debased. If it be ever intended that the government of India should be carried on with vigour and uniformity, it will be necessary to invest the Governor with a power of *putting a negative* upon the proceedings of his Council, that Council being always at liberty to minute their proposition when they shall see occasion. The practice of corrupting the Council, which has poisoned the whole system of Indian government, will by this means be done away, and a sufficient controul will still remain upon the Governor, as he will be under the necessity of stating all matters to his council, of hearing every thing stated by them, and of running the hazard of acting against the opinion of a majority. Any man who ventures to make

use of his negative power, must be very well founded in his judgment; nor can it easily be supposed, that he would differ from them, unless his reasons for so doing could well stand the test of examination. The question resolves itself into this. Is it a greater evil, that a Governor should have it in his power to put his negative upon the proceedings of his council, than that the Counsellors should be co-ordinate with the Governor, so as that a faction among themselves, or a system of corruption, should enable them to overpower the Governor, and thereby render themselves objects of bribery, job, and Asiatic intrigue? Experience has shewn that the latter is the least dangerous of the two. The council has ever been the seat of corruption, because they have had a deliberative voice in the administration of government, and could compel the Governor to adopt their measures. If that deliberative voice should be rendered not binding upon the Governor by means of the negative proposed, the best and most disinterested effects of a council will still remain, and the price of a counsellor's vote in the Indian market

will be rendered of little or no value. The nomination to all civil and military offices ought from the same reasons to be placed in the hands of the Governor, subject to a controul from Europe; for all cabal and intrigue in the councils have shewn themselves in these appointments. The dissensions at Madras afford ample evidence of this. Who should, or should not be appointed to fill the highest stations at Tanjore, was the question which brought to light the dissensions in that settlement; and it has been suspected by many (though certainly never judicially proved) that this question, apparently trifling, became important to the parties from an undue influence obtained over the majority of the council: Be that as it may, the fact itself is a powerful reason for diminishing their authority, and giving some preponderance to that of the Governor. Of late years, accident has often determined in Bengal the hands in which the supreme authority should reside; the inferior servants of the Company have therefore been capriciously dismissed from their employments, and their successors

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as capriciously dismissed, when chance turned the casting vote the other way. Can such a mode of government be either creditable or beneficial to the public? Experience is the only sure guide in all political regulations, and that experience tells us, that if a Governor be not invested with such a negative authority as is here proposed, a corrupt or caballing council will never be wanting to rule according to their own interests or caprices. Such a power being vested in the Governor, it becomes so much the more important to consider of what description that Governor ought to be. It is with some surprise that we now look back upon the practice which obtained till within these few years, of raising the Governors and Counsellors to those high stations merely by rotation. This might be a just and equitable practice before the acquisition of a great political interest in that country, because the management of mercantile concerns is in a great degree matter of experience only; but when complicated political interests of a vast empire become the subject-matter of their trust, very chosen men must
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be specially appointed to undertake that charge. Even since the passing of the late act of parliament, the ancient predilection seems to have continued in favour of gentlemen who have passed the former part of their lives, and have received their education and habits in that country; and with respect to Madras, (where this has been the case without exception) a great law officer lately threw out in the court of King's Bench, that some persons of that description were now *bidding* for that very government. It is certainly a very illiberal thing to suppose, that every man who has made his fortune in India is unfit to be trusted with the government. Many able and honest men have returned from that part of the world, after having rendered signal service to their country. Men who by a spirit of adventure and great perseverance advance their private fortunes, beginning in an humble station, and rising to a certain degree of rank in the state, are intitled to every degree of respect. All the distinctions of rank in society have begun in that manner, and the prospect of arriving at wealth and honours is the great stimulus

stimulus to all subjects, born to the necessity of prosecuting some profession in this country. No man of candour therefore will withhold his approbation of the honours which have been bestowed on gentlemen who have made their fortunes in India, and intitled themselves to the notice of their Sovereign. At the same time it must be confessed, that great and liberal ideas of government are not most likely to be acquired, in the progress from poverty and insignificance to wealth and power in India. The generality of men are not so much influenced by the abstract principles of moral rectitude, as by some powerful secondary principles of action. One of the most considerable of those secondary principles, is the preservation of an established character, and the fear of disgracing our acquaintance, our friends, and relations. Men too young to have established a fixed reputation in England, and born in the less conspicuous ranks of life, if they shall chance to return to their native country in affluence acquired in India, have then to begin the work of forming a reputation at home ; but during their
residence

residence in the East, they have not felt the influence of the motives above-mentioned. They were never deterred from pursuing the favourite object which was early set before them, by the controul which arises from the relation they bear to many respectable connections in England, and the dread of not acting up to the uniform tenor of their lives in their native climate. Having none other than the habits and ideas prevalent in the seat of their early education, they are principally directed by them. When men of a different description have been placed at the head of affairs in India, they have ever been found proof against the contagious avarice and rapacity, which prevail there. The reason is plain; no price can be found adequate to the mortification of returning to England, and finding a character once unexceptionable, perfectly altered, or even rendered disputable. Accordingly, no man has ever ventured to insinuate the smallest degree of reflection, upon the integrity of Sir John Clavering, and Mr. Monson, who felt that it was expected of them, in a conspicuous station abroad,

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to support the honour of their numerous connections at home, and of respectable and noble birth. It ought to be the duty of a minister not to accept of the first and most necessitous volunteer, but to discover with some pains men who are bound by all these considerations, and to secure to them and their families a handsome indemnity for the prospects which they may relinquish in Europe: Nor is it to be imagined that such men are not to be found, unless we adopt the maxim which is industriously propagated from that country, that there is so much intricacy and mystery in the affairs of Asia, that a whole life-time is scarcely adequate to the comprehension of them. This doctrine has been artfully and successfully inculcated; and yet we find that a common share of good understanding, joined to much attention and industry, has enabled secret and select committees of the House of Commons, in no long space of time, to be more masters of the subject, than most men who return from the common routine of business in the East. We find many individuals also who are very considerably versed in Indian

affairs from conversation, correspondence, reading, and reflection : And in truth these matters have of late years become so much the subject of public attention, that almost every one has gained a competent knowledge of the history, manners, and politics of that country. There can be no doubt, therefore, but that a man of education, with an understanding turned to public business, carrying out with him a general knowledge of Eastern politics, would in a short time acquire that degree of local knowledge, which would render him capable of executing, with infinite advantage to the public, every measure which his good intentions, and the powerful obligations imposed by the pride of a clear reputation, together with the dread of disgracing an honourable parentage, could suggest to him. For these reasons, it is manifestly a matter of great public consequence, to place some men of reputation and connection, from this country, at once in the higher stations of the government in India. It is far from being contended, that men of the description which has been given, should entirely exclude all others,

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but only to prove that they ought not to be excluded ; on the contrary, that without a mixture of such ingredients there can be no good government in that country. It must be owned, that the discovering of the characters here alluded to, is no very easy task, though undoubtedly it may be effected. The nature of our free constitution, together with the manners which follow from it, and the prospects which it affords, makes it a matter of some difficulty to find men of ability willing to adventure in those distant undertakings ; at the same time this very constitution and these manners form a greater number of subjects adequate to such employments, than any others in the world. The field which is opened in England to every degree of talents and industry is very large. The profession of arms in the land and sea service, demands a great supply, and the learned professions of divinity and law have their respective allurements. The former offers ample emoluments by means of what is vulgarly called interest, and the latter by means of genius and industry. The number of able subjects seated in either

House of Parliament, and who from that situation are exempted from the necessity of indulging or cherishing the spirit of adventure, or expect so to be, is very large; and these considerations must strongly influence every man so circumstanced, who thinks of abandoning his closest connections for a time, and who runs a risk of falling a sacrifice to the climates of the East.

Difficult however as the task may be, it is certain, that with some degree of pains, and proper encouragement, such men are to be found; or rather it should be said, that men are to be found in the British nation, equal to any possible task where honour is to be acquired, or public service to be done, ready to undertake it. In a case where so deep an interest is at stake, it may reasonably be required of a minister to consider in his own mind, or to be informed from others, of persons adequate to these stations, and to take every means of inducing such persons, when found, to bear that part in the public service: But instead of making such efforts, it has been usual to be satisfied with chusing out of
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two or three volunteers, who having made one fortune in that country and mis-spent it in this, are desirous of returning to make a second as quickly as possible.

Many persons fitted in every view to conduct our distant political interests, either despairing of success in their applications to those in power, or who may not have turned their thoughts to that particular object, would, if it were suggested to them, readily accept that service. The same industry ought therefore to be used by the ministers in this country as in France, to cast their eyes on the most proper persons, and propose such employments to those whom they shall think the most virtuous and most capable. In this respect the French and other nations have some degree of advantage over us: For as the opportunities of obtaining a share in the administration of public affairs, are not so extensive among them by reason of the want of legislative assemblies, they therefore have a great surplus of subjects, able and willing to serve the state in public capacities, in any corner of the globe, and those too men of the best and most honourable

able families. The honour of bearing the King's commission is sufficient to induce any subject in France to forego for the time his comforts and enjoyments; the objects of his ambition at home being very few, and attainable with great difficulty. For this reason, the French ambassadors, governors, and foreign agents of every description, have been found in almost every instance to have been men of very superior capacity and address, and of these there has never been wanting a succession; whereas in England, it has been matter of some difficulty to find a succession of persons fit to conduct the business of the state with ability in the subordinate foreign departments, and who are at the same time desirous of being so employed, or would submit to the disgusts which attend all solicitations addressed to persons in office. The forward applications of indigent or presuming persons, are generally in such cases attended to; and ministers suffer themselves to be overcome by the superior importunity of some one of many improper candidates, and exert their influence in the India House accordingly. But they
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should recollect that the character which ought to be sent to our foreign dominions, for the purpose of placing them upon a secure foundation, and of introducing just and enlarged principles of government, is exactly opposed to that of an importunate volunteer. A man of knowledge, coolness, and moderation, will not be a likely person to purchase such an appointment at the expence of a sollicitation at the Treasury, or the India House: Yet such is the character fit to be appointed, and such alone can save that part of our dominions from becoming detrimental instead of being highly profitable. It were better too that our Governors in India should not be permitted to hold their seats in parliament, as that naturally gives them an additional desire to return from their station; nor ought they in justice to enjoy that privilege, if they are nominated by the Crown, when a Governor in our West-India settlements is deprived of it. An East India Governor so nominated, would indeed by analogy, or even a sound construction of the disqualifying acts, be considered

sidered as incapable of sitting during the continuance of his government.

Not many years ago the ministers of Spain found it necessary to consider in their own minds, of some fit persons to conduct the government of South America, which had hitherto been very ill administered. One man of abilities and integrity, the Marquis de Croix, was picked out for this purpose, who has rendered more essential service to both Old and New Spain, than perhaps any subject that country ever produced. He returned in the year 1772, with great honour to himself, his friends, and relations whom he had left behind him, and with that unspeakable satisfaction of mind which arises from a consciousness of having wrought the utmost degree of good which his superior knowledge, humanity, and parts eminently qualified him to do; and what is more remarkable, with a very moderate addition to his fortune, if he made any addition to it whatever.

I have dwelt a little the longer upon this particular topic, because it is generally conceived that several new appoint-

ments must soon take place in that line of public employment : and if this plain state of the mischiefs which may arise from continuing the old system of nominating Governors and Counsellors, should accidentally chance to be honoured with the perusal of any among the principal servants of the State, it is possible that it may help to awaken their attention to a matter so extremely important.

The Governor in each of the three presidencies should be assisted by a council, not exceeding four in number ; and it is obvious that some of those should be persons the most eminently conversant in the detail of the country business. The commander in chief for the time being should also be of this body, but the chief *Law Officer* need not have a seat at the political Board, but ought however to be considered as bound to give his assistance when required. A council so constituted, and subject to the Governor's *veto*, but at the same time at liberty to record their own propositions if negatived, and the grounds of their dissent from those of the

Governor, seems to comprise in it all the advantages of a controul upon the Governor, and at the same time of extracting that sting with which they have in many recent instances so grievously annoyed him, to the great impediment of our national concerns. The councils upon the coasts of Malabar and Coromandel being in all respects subject to the Supreme Council in Bengal, strength and consistency will thereby be given to the whole British dominion in India; and those destructive scenes which have exposed us to the contemptuous hatred of the natives, and the ridicule of Europe, will probably be prevented, or will at least be less likely to occur than they have been heretofore.

IV. It were to little purpose to establish a well-connected mode of government in any state, or to ascertain by laws the permanency of every man's interest in his lands and goods, unless that government were itself controuled, and that permanency of property secured, by an

upright administration of justice ; for this it is, which gives real effect to the wisest regulations that human prudence can invent. In this matter the legislature has felt itself under very considerable difficulties : on the one hand, they were sensible of the great wisdom of the municipal law of England in the protection of private property, and they felt that the merciful nature of the English mode of trial in criminal matters makes it applicable to many cases, wheresoever they might happen to arise, being founded in the true and universal principles of abstract justice, and proceeding upon rules of evidence, scrupulous and accurate to an extreme. On the other hand it must be acknowledged, that much of that law, complicated and voluminous as it now is, takes its rise from the peculiar nature of the English government, and the manners and customs of a free people ; so that in many respects no system of municipal law can be more local or more peculiarly adapted to the country where it prevails. To transplant it, therefore, is a work

of great delicacy, and the good or bad effects of that measure must entirely depend on the judicious manner of applying the principles which govern the laws of one country, to another differing entirely in its customs, habits, manners, and subsisting regulations. A vast proportion of the technical system of our law, though highly beneficial to ourselves, would be intolerable to any other people, and even the principles themselves ought to be selected by a very liberal understanding, in order to be made applicable to any other people, even in matters of private property. With respect to crimes, peculiar manners give occasion to a severity in punishing, very different in different societies, according to their destructive tendency in each respective society. A moment's consideration will be sufficient to convince any man, that an act done in *England*, and attended with the forfeiture of life itself, need not perhaps be attended with any punishment at *Constantinople*, approaching to that degree of severity. The crimes which are called *mala in se*,
must

must it is true be universally considered as the proper objects of vindictive justice; but the inferior classes, even of such crimes, may differ very much as to their pernicious tendency in different states; and the *mala prohibita* are in their nature offences relative to the peculiar society by which they are enacted. The great difficulty therefore consists in the application of such parts only of our law civil and criminal, as may, from its abstract justice, be applied to cases arising in a country differing from our own, and of restraining the ministers of justice from an improvident application of it in other parts. It is impossible to lay down a precise rule to regulate a judge in this nice determination. That the law of England should be administered to parties purely English is liable to no exception, but, on the contrary, it is the right of English subjects in civil cases, and is what they have been taught to expect in criminal prosecutions. The difficulty commences when we suppose one of the natives to be party to a civil suit, or prisoner

soner in a criminal proceeding. The jurisdiction of the Supreme Court of Justice established at Calcutta by the Act of the 13 G. III. c. 63, is extended, with respect to the natives, "to all persons
 " who are or have been employed by, or
 " shall then have been directly or in-
 " directly employed, in the service of the
 " said united Company, or any of his
 " Majesty's subjects." The number of persons who fall within the description of being actually employed, or having been formerly employed, in the service of Europeans, is very considerable, and this description was for some time interpreted by the Judges to comprehend all persons connected with the collection of the rents; and also to such of the natives as were imprisoned by those collectors. Writs of *habeas corpus* were accordingly granted to public debtors so imprisoned. This was found to affect the public revenue of the country most essentially, and has at last been settled by a species of compromise between the Supreme Council and Supreme Court. Some explicit
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rule however is necessary in this matter, for there are evils to be guarded against on both sides. The most obvious seems to be to withhold the *habeas corpus* in cases of imprisonment for non-payment of rent, leaving the party to his remedy when he shall have paid it; in which case the Judge should think it his duty to carry vindictive justice to an extreme against the oppressor. The collector falls within the description of the act of parliament as a person employed in the service of the Company, and is therefore amenable to the justice of the Supreme Court, in all cases where he shall have abused his authority; and the King's Attorney General in the settlement might, in all such cases, file an information, with leave of the court, against the oppressor. The line of distinction, drawn by the act above-mentioned, namely, that a native must have submitted himself by a contract in writing to the determination of the English Judges, is very just and proper: But even then, if a Judge shall conceive himself bound by his
oath

oath to administer the English law in its full purity, his decision may not accord with the intention, and habitual meaning of the native party. Much latitude should therefore be allowed to any Judge deciding upon a transaction arising in a country, where the laws, habits, religion, and manners, differ totally from those of England. He ought, in such cases, to frame his decisions *secundum æquum et bonum*, and according to the insight he may acquire into the peculiarities of the national ideas, rather than according to any positive system. In criminal cases, the absurdity or rather cruelty of applying doctrines *positivi juris*, without considering the current ideas of the country in which they are applied, is so glaring that every man must perceive it. The tragedy of Nundocomar must immediately present itself to every one's mind. A native Hindoo, of great rank and opulence, was indicted for a forgery, contrary to a positive statute passed in the year 1728, and was condemned and executed for an offence
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against that statute, committed nine years before, and which had never been considered in India as deserving of the last degree of human punishment, nor even in England till within forty years preceding, at which time the frequency of the offence, and the peculiar danger of it in this country, made it necessary to rank it among the hundred and eleven capital crimes; which a subject of England may commit, and for which he may suffer in the first or second instance. From what has been said it will readily be acknowledged, that difficulties almost insuperable occur in the dispensation of English law to the natives, when they happen to be one of the parties litigant. The most beneficial institution for them would be, to leave the Supreme Court at liberty to act rather as *Arbitrators* than as Lawyers, in all cases where natives are interested on the one side or the other. The court will naturally have a leaning towards those principles of jurisprudence which are familiar to the Judges; and at the same time it will be enabled to give full

scope to all local and equitable ideas. In all criminal cases their power of inflicting capital punishments ought to be circumscribed by the ancient simplicity of our own law. Treason, murder, rape, and wilful burning of houses, were in ancient time the only capital offences, and these would still be fully sufficient in India. All subordinate crimes are of a magnitude merely relative to the exigences of the society in which they have been made capital. Were the parliament of Great Britain now for the first time to begin the formation of a criminal code, it is highly probable that they would not very much exceed the limits here prescribed; *a fortiori*, when they are to introduce a system of criminal law into the Asiatic provinces, they should confine the catalogue of capital offences within the narrowest bounds. In all commercial countries, it is true, that the crime of forgery becomes a serious object of coercion; yet a specific punishment, such as one or two years imprisonment, a public disgrace similar to the pillory, a

very heavy fine, or a forfeiture of three times the sum, as in the case of usury in England, might have the same good consequences in India, and would be agreeable to the law of all the world. Were the latitude of determination in all civil cases which is here proposed, left to the English courts of justice in India, and the offences to be capitally punished there, limited to those four which were alone thought worthy of death by the humanity of our own ancestors, and were the crime of forgery subjected to very severe consequences short of death, an English court of justice, governed as far as is possible by English maxims of law, would be an essential blessing to the natives of that country. At the same time that such limitations are imposed upon the court with respect to the natives in criminal cases, and such latitude given in civil cases, it is by no means proposed that the law of England should be administered to parties purely European differently from what it is in England: they are bound to submit to it, they are ac-

quainted with it, and revere it, but the case is widely different with respect to the Asiatic subjects. An appeal from the Supreme Court to his Majesty in council is essentially necessary in this case, as in every other of the same nature, in order to preserve the uniformity and integrity of the law, to controul the proceedings of inferior courts, and keep them within the line of their duty. As the latitude which must necessarily be given to the Judge is very extensive, he must be made proportionably responsible in all cases of wilful malversation. The constitution of the Court of Justice in Calcutta has shewn itself liable to some material objections. It consists at present of four Judges, a number objectionable from its liability to equal division, and still more so from its being exposed to altercations and contest, of which the inhabitants of Calcutta have seen the most indecent examples. Much discretion must be assumed (if it be not directly given) by any court established in that country, and this will of itself beget great variations

tions in their sentiments: but the most material defect has been seen in their tendency to party attachments. This has occasioned a persuasion in most men acquainted with Calcutta, that a single Judge with a deputy to assist him, similar to the Chancellor and Master of the Rolls in England, would answer the purposes of justice in a more effectual manner; and that two persons acting in similar capacities might be afforded to Madras. The Superior Judge might be confined to causes exceeding two hundred pounds in value, except where they were tried by consent before the inferior, from whom an appeal might lie to the Superior Judge in all cases exceeding one hundred pounds. A species of rivalry between the two courts would thus be established, and they would operate in a degree as a kind of controul upon each other. In criminal cases they ought to sit together, and the Superior might at all times call the other to his assistance in civil causes.

The same institution established at Madras would be of infinite service to that settlement,

settlement, as the late disturbances very clearly evince. The interposition of a sensible Judge might possibly have prevented the imprisonment of the Governor, and the consequences which have followed from it to all parties, and would undoubtedly have prevented the illegal and unjust proceedings of the pretended coroner's inquest, which no man can read without horror and astonishment.

Westminster-Hall will not afford four capable men for each of these settlements, who would be disposed to remove into those climates, at the advanced period of life which is requisite for the exercise of these solemn functions. The candidates for the honours and emoluments of that profession being in general not men of desperate circumstances, are not much tempted to seek their fortunes in India; and such of them as would naturally attract the attention of those to whom it belongs to recommend them, have from that very reason, well-grounded hopes of acquiring a competent share
of

of employment in their own country. There will always therefore be a scarcity of Indian Judges; and it is reported that upon the first establishment of the Supreme Court of Justice only five candidates presented themselves, to fill the four seats; and as the novelty of that institution produced so small a number, it is not to be supposed that many persons will offer themselves on future vacancies. If the English Bar will barely supply four Judges, and it be thought proper to establish a Court of Justice at Madras; it will be necessary to divide them in the manner above-mentioned, with a direct appeal from Madras to the Privy Council. The sum at present allotted to the Supreme Court is 26,000l. a year. This sum might be distributed between the two settlements, so as to afford a very handsome emolument to the chief and second Judge of each, by allotting 9000l. to the chief Justice of Bengal, 5000l. to his deputy, 7000l. to the Chief Justice of Madras, and 4000l. to the inferior Judge, leaving 1000l. to the officers of the New Court at Madras.

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The settlement of Bombay is so narrow, that no necessity has yet appeared of giving them an expensive Court of Judicature. By these means, all dissention, altercation, and tendency to party, would cease; and if an expectation of succession were held out to the deputies, it would be an inducement to younger men of merit at the Bar to present themselves for those two subordinate stations. Both Calcutta and Madras would by this regulation be well supplied, by the same number of Judges, and at the same expence that one court only is now filled. It may be thought that subordinate Judges will not so easily be found, when their salary is 5000l. and 4000l. as they will be on the present establishment of 6000l. but the great inducement arising from the hopes of succeeding immediately to the very high station of a Superior Judge, will stimulate more powerfully, than the difference of salary proposed would discourage.

We have now touched upon the several heads proposed, and have endeavoured to
attract

attract the reader's attention towards the fundamental points which ought to be settled, when the new arrangement of the affairs of the East Indies comes under the consideration of the legislature. The author's object has been to impress the reader; whether he be a plain citizen of the State, a Member of Parliament, or Minister; with a just sense of the vast extent and importance of the subject. It has been attempted also to shew, that nothing short of a sound and enlarged political system, founded and carried on by some considerable men, can save our territory in the East from being gradually depopulated and exhausted; and that by the establishment of such a system, well carried on, the advantage to this kingdom would be both great and lasting. It is very much feared by the public, that no such extended measures will find their way into the closets of those who are to determine whether the old system is in substance to continue, with slight and partial amendments, or whether

Immedicabile vulnus

Ense recidendum est ne pars sincera trahitur.

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This apprehension arises from an opinion, that the consideration of these affairs requires time and leisure, and that few ministers are actuated by abstract principles of policy in the government of subordinate states, but rather by the necessities of the present hour.

In the midst of a dangerous and complicated war, and much distracted by the activity of a warm opposition in Parliament, it is feared that our Ministers will scarcely be able to afford to this subject the attention which it deserves, or that they can avoid conceding many points to the Company, very pernicious to India, for the sake of some temporary profit. Every ground, however, for suspecting their zeal for the prosperity of subordinate kingdoms, seems now to be ungenerous and unjust, when we turn our eyes towards the kingdom of Ireland. The servants of the State will turn their attention with the same humanity, assiduity, and true political principles, towards the Eastern dominions. They will recollect that so favourable an opportunity as the present never can arise, to

lay the foundation of a lucrative, prosperous, and permanent interest in that part of the world; that the true interest of this kingdom requires our Asiatic territories should be rendered as productive to the superior State as possible, consistently with a view to futurity, which can only be done by consulting the true *internal* interests of these provinces themselves. By these means the revenue to be derived from their prosperity, and their prosperity only, must be greatly augmented, perhaps beyond our most sanguine expectations; and might be divided between the purse of the Company, and that of the Nation, as far as respects the territorial revenue, and the stock to arise from the sale of a long or perpetual interest in the lands, as Parliament, upon a full examination, shall think just and reasonable.

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lay the foundation of a lucrative, prosperous, and permanent interest in that part of the world; that the true interest of this kingdom requires our Asiatic territories should be rendered as productive as the European State as possible, consistently with a view to humanity, which can only be done by consulting the true interests of these provinces themselves. By these means the revenue to be derived from their prosperity, and their prosperity only, must be greatly augmented, perhaps beyond our most sanguine expectations; and might be divided between the parts of the Company, and that of the Nation, as far as respects the territorial revenue, and the stock to arise from the sale of a long or perpetual interest in the lands, as Parliament, upon a full examination, shall think just and reasonable.

